

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
LARRY FREUDENBERG, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN and ROBERT J.
SIMMONS,

Defendants.

07 Civ. 8538 (RWS) ECF Case

WILLIAM BOSTON, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendants.

07 Civ. 8808 (RWS) ECF Case

ELECTRONICALLY FILED

----- x

STIPULATION AND [PROPOSED] ORDER

WHEREAS plaintiff Larry Freudenberg commenced the action first captioned above by the filing of a complaint (the "Freudenberg Complaint") on or about October 2, 2007; and

WHEREAS plaintiff William Boston commenced the second action captioned above by the filing of a complaint (the "Boston Complaint") on or about October 12, 2007; and

WHEREAS each of Messrs. Freudenberg and Boston (collectively, the "plaintiffs"), respectively, published notice of such filing in accordance with the Private Securities Litigation Reform Act of 1995 (the "PSLRA"); and

WHEREAS the process for the selection of lead plaintiff(s) and lead counsel in accordance with the PSLRA has not yet been completed; and

WHEREAS counsel for the plaintiffs have indicated that it is their intention to file a consolidated amended complaint; and

WHEREAS the parties have not previously moved for an extension of time in the above-captioned actions; and

WHEREAS the undersigned attorneys for plaintiffs and defendants have conferred regarding issues of timing;

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned attorneys for the parties to these actions as follows:

1. Plaintiffs shall have 60 days after entry of the Order selecting lead plaintiffs and appointing lead plaintiffs' counsel to serve a Consolidated Amended Complaint (the "CAC").

2. Defendants shall have 60 days after service of the CAC to answer, move, or otherwise respond to the CAC.

3. Plaintiffs shall have 60 days after service of defendants' response to the CAC to serve opposition papers.

4. Defendants shall have 45 days after service of plaintiffs' opposition papers to serve reply papers.

5. Davis Polk & Wardwell will accept service of process of the Freudenberg Complaint and the Boston Complaint, respectively, on behalf of any of the three defendants in the above-captioned two cases who has not yet been served.

6. Except to the extent set forth in Paragraph 5 above, nothing in this stipulation constitutes a waiver of any defenses.

7. This stipulation may be executed in counterparts.

Dated: November 13, 2007
New York, New York

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

By: David A. Rosenfeld, Esq.
Samuel H. Rudman
David A. Rosenfeld
Mario Alba, Jr.
58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

Attorneys for Plaintiff
Larry Freudenberg

DAVIS POLK & WARDWELL

By: Nancy B. Ludmer
Dennis E. Glazer
Nancy B. Ludmerer
Edward N. Moss
450 Lexington Avenue
New York, New York 10017
(212) 450-4900

Attorneys for Defendants
*E*Trade Financial Corporation, Mitchell H. Caplan and Robert J. Simmons*

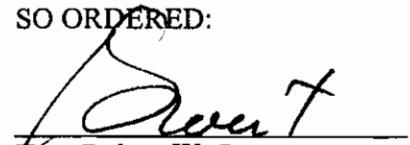
BRODSKY & SMITH, LLC

By: Evan J. Smith, Esq.
Evan J. Smith
240 Mineola Boulevard
Mineola, New York 11501
(516) 741-4977

SCHIFFRIN BARROWAY
TOPAZ & KESSLER LLP
Richard A. Maniskas
D. Seamus Kaskela
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706

Attorneys for Plaintiff
William Boston

SO ORDERED:


Hon. Robert W. Sweet
11-14-07